

The Honorable RICHARD A. JONES
The Honorable Magistrate S. KATE VAUGHAN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

ADAM BAUER, et al.,

Plaintiffs,

v.

WASHINGTON STATE
DEPARTMENT OF CORRECTIONS
MONROE CORRECTIONAL
COMPLEX MAILROOM PERSONNEL,
et al.,

Defendants.

NO. C21-0453 RAJ-SKV

STIPULATED MOTION AND
~~PROPOSED~~ ORDER TO STAY
PRETRIAL DEADLINES

NOTE FOR: May 11, 2022

I. STIPULATED MOTION

Pursuant to LCR 7(d)(1) and LCR 10(g), the parties respectfully submit this stipulated motion to stay the deadlines in the operative case scheduling order as detailed in this stipulated motion, to facilitate settlement negotiations.

A court's power to stay proceedings is incidental to the inherent power to control the disposition of its cases in the interests of efficiency and fairness to the court, counsel, and litigants. *Landis v. N. Am. Co.*, 299 U.S. 248, 254–55 (1936). In determining whether a stay is appropriate, a district court “must weigh competing interests and maintain an even balance.” *Id.* These competing interests include the possible damage resulting from granting a stay, the hardship or inequity a party may suffer if required to go forward, and the simplifying or

1 complicating of issues, proof, and questions of law that could result from a stay. *CMAX, Inc. v.*
 2 *Hall*, 300 F.2d 265, 268 (9th Cir. 1962) (citing *Landis*, 299 U.S. at 254–55).

3 The parties agree that a stay of the proceedings is appropriate and jointly move this Court
 4 to enter such. The parties continue to engage in a settlement negotiation process, and this is
 5 taking time while the parties draft and exchange proposals, each of which must be reviewed and
 6 evaluated by the opposing party or parties with their respective counsel. However, deadlines in
 7 the case continue to approach, including the deadline to file motions related to discovery on
 8 May 12, 2022. To focus their efforts more efficiently on these ongoing settlement negotiations,
 9 the parties request a stay of the operative pretrial deadlines. Neither party believes the stay will
 10 cause any prejudice.

11 A stay, as opposed to merely extending the pretrial deadlines, will allow flexibility with
 12 the timing for the parties to exchange proposals. If and when it becomes necessary, the parties
 13 will request the stay be lifted, at which time the parties will submit a new proposed case schedule.

14 The parties jointly agree to file monthly joint status reports with the Court to keep the
 15 Court apprised of the status and progress of settlement negotiations. For example, the parties
 16 could submit a joint status report by the 15th of each month (excluding May 2022) or, if that day

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falls on a weekend or a federal U.S. holiday, the following business day. The parties therefore respectfully request the Court to find good cause to enter a stay of all pretrial deadlines.

RESPECTFULLY SUBMITTED this 11th day of May, 2022.

s/ Daniel A. Fiedler

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Attorneys for Defendants

II. ~~[PROPOSED]~~ ORDER

The Court has considered the parties' stipulation, and for good cause shown, the Court approves the parties' stipulation and Orders as follows:

1. The stipulated motion to stay pretrial deadlines is **GRANTED**;
2. The parties are directed to file joint status reports with the Court by the 15th of each month (excluding May 2022) or, if that day falls on a weekend or a federal U.S. holiday, by the following business day.

IT IS SO ORDERED.

DATED this 16th day of May, 2022.

Steve Vaughan

S. KATE VAUGHAN
United States Magistrate Judge